

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMARR TERRY, # 209793,)
a/k/a Jamirr H. Terry Bey,)
Plaintiff,)
) No. 1:12-cv-347
-v-)
)
ALLEN BYAM, et al.,)
Defendants.)
_____)

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff Jamarr Terry, a prisoner under the control of the Michigan Department of Corrections, filed this lawsuit under 42 U.S.C. § 1983. The only remaining defendants are Allen Byam and Rudolph Vergin. Those two defendants filed a motion for summary judgment. (ECF No. 26.) After Plaintiff filed a response, the magistrate judge issued a report recommending the motion be granted and that judgment be entered. (ECF No. 30.) Plaintiff filed objections. (ECF No. 31.)

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”).

Having reviewed the record, the Court finds the report and recommendation accurately summarizes the record and correctly applies the facts to the relevant law. The record is devoid of any admissible evidence supporting Terry's claims against Defendant Vergin. To the extent that Terry could provide admissible evidence at trial, *see Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986), the assertions in Terry's pleadings, response to the motion, and objections fail to address the explanations provided in Vergin's affidavit. Terry has failed to address the magistrate judge's findings and well-reasoned conclusions regarding Terry's claim against Defendant Byam.

For these reasons, the report and recommendation (ECF No. 30) is **ADOPTED** as the opinion of this Court. Defendants' motion for summary judgment (ECF No. 26) is **GRANTED** and the claims against Defendants Vergin and Byam are **DISMISSED WITH PREJUDICE. IT IS SO ORDERED.**

Date: December 18, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge